REMARKS

This application has been carefully reviewed in light of the Office Action mailed on September 3, 2008. At the time of the Office Action, claims 1-107 were pending in this patent application, and claims 27-107 were withdrawn from consideration. As a result, claims 1-26 are at issue. Claim 1 has been amended for the purpose of clarity. Support for the amendment can be found in Fig. 3, paragraphs 0065 and 0069 of the specification. No new matter has been added.

The Examiner rejected claims 1-26, of which claim 1 is the only independent claim, under 35 U.S.C 102(b) as being anticipated by U.S. Patent No. 6,038,540 ("Krist"). Applicants respectfully traverse this rejection, and the assertions and determinations therein, for at least the following reasons and request reconsideration and favorable action in this case.

Amended claim 1 recites, in part, an information server that includes "a scheduler adapted to coordinate delivery of information from the first and the second data sources to the information server." For example, as explained in paragraph 0069 of the specification, the scheduler may be configured to send messages to the first and the second data sources requesting information (e.g., economic data and process control data). In response to the information request, the first and the second data sources may send economic data and process control data to the information server. The claimed information sever, in turn, routes the economic data and the process control data to an economic model that uses the economic data and the process control data to model the operation of a process plant.

The significance of the claimed scheduler is that, by coordinating delivery of information from the first and the second data sources to the information server (and, ultimately, to the model), it can control the rate at which the economic model gets updated with new data from different data sources. As a result, the economic model may model the operation of the plant using up-to-date data. At the same time, the scheduler may prevent the economic model from reacting to all the erratic, noise-like, changes in the data. This generally leads to more accurate and efficient modeling of the process plant.

Nothing in Krist teaches or suggests using "scheduler adapted to coordinate delivery of information from the first and the second data sources to the information server," as recited in claim 1. Instead, Krist describes a system in which data (Monetary Values 77) is "input automatically into optimizing system 73 from an electronic system," or where a "human operator 78 could periodically communicate" that data. *See Krist*, col. 30, lines 3-20. Accordingly, not only does Krist not teach or suggest a using a scheduler, but Krist, in fact, explicitly teaches away from using any sort of a mechanism for coordinating information delivery. Therefore, one of ordinary skill in the art would not modify Krist to include the claimed scheduler. For at least this reason, claim 1 is allowable.

Claims 2-26 depend from claim 1 and are therefore allowable for the reasons discussed in reference to claim 1. Claims 2-26 are further allowable because the Examiner has not identified specific teachings in Krist that correspond to any of the additional features recited in claims 2-26, and has thus failed to establish a *prima facie* case of anticipation under 35 U.S.C 102(b) with respect to these claims. In particular, while generally alleging that claims 2-26 are anticipated by Krist, the Examiner has failed to point to any specific disclosure in Krist that the Examiner believes corresponds to any of the additional elements recited by any of claims 2-26. If the Examiner wishes to continue with this rejection, Applicants respectfully request that the Examiner specify the particular passages or portions of Krist that correspond to the additional elements of each of claims 2-26. As way of example, however, Applicants note that the system in Krist does not appear to have a first data source that includes economic data indicative of the throughput of the process plant, as recited in claim 3. Moreover, Krist fails to teach performing a control function within the process plant based on an output of an economic model, as recited in claim 18.

Conclusion

Applicants have now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons, Applicants respectfully request reconsideration and allowance of claims 1-26. If there is any matter that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below.

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Respectfully submitted,

By_____

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